

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 45478

STATE OF IDAHO,) 2018 Unpublished Opinion No. 436
)
Plaintiff-Respondent,) Filed: April 25, 2018
)
v.) Karel A. Lehrman, Clerk
)
DAMIAN MAXWELL BARBER,) THIS IS AN UNPUBLISHED
) OPINION AND SHALL NOT
Defendant-Appellant.) BE CITED AS AUTHORITY
)
_____)

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Hon. Deborah A. Bail, District Judge.

Order relinquishing jurisdiction, affirmed.

Eric D. Fredericksen, State Appellate Public Defender; Lara E. Anderson, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Lori A. Fleming, Deputy Attorney General, Boise, for respondent.

Before GRATTON, Chief Judge; GUTIERREZ, Judge;
and LORELLO, Judge

PER CURIAM

Damian Maxwell Barber pled guilty to aggravated battery. I.C. §§ 18-903(c) and 18-907(b). In exchange for his guilty plea, additional charges were dismissed. The district court sentenced Barber to a unified term of fifteen years, with a minimum period of confinement of three years. The district court retained jurisdiction, and Barber was sent to participate in the rider program. After Barber completed his rider, the district court relinquished jurisdiction. Barber appeals, claiming that the district court erred by refusing to grant probation.

We note that the decision to place a defendant on probation or whether, instead, to relinquish jurisdiction over the defendant is a matter within the sound discretion of the district

court and will not be overturned on appeal absent an abuse of that discretion. *State v. Hood*, 102 Idaho 711, 712, 639 P.2d 9, 10 (1981); *State v. Lee*, 117 Idaho 203, 205-06, 786 P.2d 594, 596-97 (Ct. App. 1990). The record in this case shows that the district court properly considered the information before it and determined that probation was not appropriate. We hold that Barber has failed to show that the district court abused its discretion in relinquishing jurisdiction. The order of the district court relinquishing jurisdiction and Barber's sentence are affirmed.